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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ERICA WILLIS STEELE,

Plaintiff,

and

APL LOGISTICS,

and

STEPHEN MCELRAITH

Defendants.

REMOVAL FROM THE CIRCUIT COURT FOR THE
TWELFTH JUDICIAL CIRCUIT, WILL COUNTY, IL
STATE CASE NO. 07 L 673

07cv6440
JUDGE CONLON
MAG. JUDGE COLE

DEFENDANTS' NOTICE OF REMOVAL

Defendants APL Logistics Warehouse Management Services, Inc. (“APL”) (incorrectly named in this matter as APL Logistics) and Stephen McElrath (“McElrath”) (collectively “Defendants”), by and through their attorneys, file this notice of removal under 28 U.S.C. §1446(a), and in support thereof state:

1. Defendants are APL Logistics Warehouse Management Services, Inc. and Stephen McElrath.
2. Plaintiff is Erica Willis Steele.
3. On October 4, 2007, Plaintiff filed her Complaint in the Circuit Court of Will County, Illinois.
4. Defendant Stephen McElrath was served with notice of the suit on October 18, 2007.
5. Defendant APL Logistics Warehouse Management Services, Inc. was served with notice of the suit on October 29, 2007.

6. Defendants file this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b).

7. This court has subject matter jurisdiction based on federal question jurisdiction as Plaintiff has set forth claims under Title VII. 28 U.S.C §1332.

8. Removal is also proper because there is complete diversity between the parties. 28 U.S.C. §1332(a).

9. Plaintiff is a citizen of Illinois.

10. Defendant APL Logistics Warehouse Management Services, Inc. is a Florida corporation.

11. Defendant Stephen McElrath is a citizen of Illinois, who was fraudulently joined in this action by Plaintiff in an attempt to circumvent this Court's jurisdiction.

12. Plaintiff has alleged claims seeking individual liability against her former supervisor Defendant Stephen McElrath under Title VII.

13. The federal courts in Illinois have held there is no individual liability under Title VII of the Civil Rights Act because a supervisor, in his or her individual capacity, does not fall within Title VII's definition of employer. Molnar v. Booth, 229 F.3d 593, 599 (7th Cir. 2000); Sattar v. Motorola, Inc., 138 F.3d 1164, 1168 (7th Cir. 1998); Williams v. Banning, 72 F.3d 552, 555 (7th Cir. 1995).

14. Further, the claims alleged against Defendant Stephen McElrath were not raised in Plaintiff's EEOC Charge of Discrimination, and a plaintiff may not bring claims under Title VII that were not originally brought among the charges made to the EEOC. Harper v Godfrey Co., 45 F.3d 143, 147-148 (7th Cir. 1995), *superseded on other grounds by* 42 U.S.C. § 1981(b); Check v. Western & S. Life Ins. Co., 31 F.3d 497, 500 (7th Cir.1994).

15. Diversity jurisdiction cannot be destroyed by fraudulent joinder of non-diverse parties. Gottlieb v. Westin Hotel Co., 990 F.2d 323, 327 (7th Cir. 1993); Poulous v. Naas Foods, Inc., 959 F.2d 69, 72-74 (7th Cir. 1992); Hoosier Energy Rural Elec. Co-op., Inc. v. Amoco tax Leasing IV Corp., 34 F.3d 1310, 1314-16 (7th Cir. 1994).

16. Plaintiff cannot establish a cause of action against in-state defendant Defendant Stephen McElrath, therefore Defendant Stephen McElrath was "fraudulently joined" and this case may be removed based on diversity jurisdiction. Poulous, 959 F.2d at 73; Gottlieb, 990 F.2d at 327.

17. As stated in Plaintiff's Complaint, the amount in controversy exceeds \$75,000, excluding interest, costs, and attorney fees. 28 U.S.C. §1332(a); See State Court filings attached hereto as **Exhibit A**.

18. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a). **Exh. A**.

19. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the action has been pending is located in this district.

20. Defendants will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

21. A copy of the Notice to State Court of Filing Notice of Removal is attached to this notice. **Exhibit B**.

22. A copy of the Civil Cover sheet is attached to this notice. **Exhibit C**.

23. Plaintiff demanded a jury in the state court action. **Exhibit D**.

24. For these reasons, Defendants asks the court to remove the action to this federal court.

Respectfully submitted,

BOBROFF, HESSE, LINDMARK
& MARTONE, P.C.

By: 

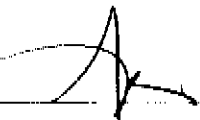
DESIGNATED LOCAL COUNSEL:
JOHN K. KALLMAN
221 N. LASALLE STREET
SUITE 1200
CHICAGO, IL 60601
(312) 578-1515
ARDC# 1387006

Andrew J. Martone, #06203524
1650 Des Peres Road, Suite 200
St. Louis, MO 63131
Tel: (314) 862-0300
Fax: (314) 862-7010
E-mail: andydmartone@bobroffhessc.com

Attorneys for Defendants
APL Logistics, Ltd. and Stephen McElrath

CERTIFICATE OF SERVICE

A copy of the foregoing was mailed, postage pre-paid, via U.S. Mail, this 14 day of November, 2007, to Mr. Mark A. Lichtenwalter, Spesia, Ayers & Ardaugh, 1415 Black Road, Joliet, IL 60435.



IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

APL LOGISTICS, and STEPHEN
MCEL RATH, Individually and as Agent
and Servant of APL LOGISTICS

Defendant.

07 L 673

FILED
OCT 11 PM 3:48
CLERK OF COURT
JULIA M. HARRIS

COMPLAINT AT LAW

NOW COMES the Plaintiff, ERICA WILLIS STEELE, by her attorneys, SPESIA, AYERS & ARDAUGH, and for her Complaint At Law against the Defendants, APL LOGISTICS, and STEPHEN MCEL RATH, Individually and as Agent and Servant of APL LOGISTICS, states as follows:

INTRODUCTION

1. Plaintiff, ERICA WILLIS STEELE (hereinafter "STEELE"), was and continues to be a resident of Will County, Illinois at all times relevant to this Complaint.
2. Defendant, APL LOGISTICS (hereinafter "APL"), owns and operates a Warehouse Management Services branch located at 715 Theodore Court, Romeoville, Illinois in Will County, Illinois. The allegations contained in this Complaint took place at 715 Theodore Court, Romeoville, Illinois.
3. STEELE, a female, was employed as a Customer Service Representative with APL from January 24, 2005 until June 9, 2006.
4. STEPHEN MCEL RATH (hereinafter "MCEL RATH"), was an APL employee and STEELE's immediate supervisor during this time period.

initial case management set for
1-22-08 at: 9

Exhibit A

5. Beginning on or about January 1, 2006, and continuing through May 15, 2006, STEELE was subjected to harassment by MCEL RATH in the form of unwanted physical contact with Plaintiff's person, derogatory comments regarding Plaintiff's appearance, and requests for sexual favors.

6. Upon each act of harassment by MCEL RATH, STEELE immediately objected to his behavior, expressed that she was offended by the behavior, and demanded that he stop at once.

7. On information and belief, despite STEELE's objection, MCEL RATH continued to harass her, offering to influence promotions, pay raises, and other employment privileges available to STEELE in exchange for sexual favors.

8. On information and belief, APL did not have or distribute employee handbooks and had no known sexual harassment policy in place for employees to follow.

9. On or about January 27, 2006, STEELE complained of MCEL RATH'S continuing unwanted sexual advances to the appropriate Human Resources Department of APL, and asked to be moved to a different department or location in the company. No action was taken by APL to correct the situation.

10. When the sexual harassment of STEELE continued, STEELE filed her Complaint of Civil Rights Violation with the Illinois Human Rights Commission and the Equal Employment Opportunity Commission on May 23, 2007. [Exhibit "A"]

11. The Equal Employment Opportunity Commission mailed a Notice of Right to Sue on July 6, 2007, giving STEELE the right to file suit in state or federal court under Title VII of the Civil Rights Act of 1964. [Exhibit "B"]

COUNT I: QUID PRO QUO SEXUAL HARASSMENT
(STEPHEN MCEL RATH, Individually and as Agent of APL Logistics)

1-11. Plaintiff STEELE repeats and re-alleges Paragraphs 1-11 as Paragraphs 1-11 of Count I as though fully stated herein.

12. As STEELE's supervisor, MCEL RATH had a duty to provide a workplace free of sexual harassment for his employees.

13. MCEL RATH breached his duty as a supervisor to STEELE by exposing her to unwanted sexual harassment, as described, *infra*.

14. On information and belief, during STEELE's employment, MCEL RATH continuously subjected STEELE to harassment of a sexual nature, and offered to make privileges of employment, such as promotions and pay raises, available to STEELE in exchange for sexual favors.

15. On information and belief, STEELE's submission to or rejection of MCEL RATH's sexual advances provided the basis for employment decisions regarding her position.

WHEREFORE, the Plaintiff, ERICA WILLIS STEELE, respectfully requests this Court enter judgment in her favor and against the Defendants, APL LOGISTICS, and STEPHEN MCEL RATH, Individually and as agent for APL LOGISTICS, for damages in excess of \$75,000, fees and costs of suit, and any other relief this Court finds just and equitable.

COUNT II: HOSTILE ENVIRONMENT SEXUAL HARASSMENT
(APL LOGISTICS)

1-15. Plaintiff STEELE repeats and re-alleges Paragraphs 1-15 as Paragraphs 1-15 of Count II as though fully stated herein.

16. APL has a duty to provide and maintain a workplace such that no hostile environment exists for its employees.

17. APL breached this duty by failing to remedy a known situation of sexual harassment, as described, *infra*.

18. After being subjected to continuing unwelcome verbal and physical sexual harassment by MCEL RATH, STEELE became afraid to attend work because the environment had become permeated with regular unwanted harassment.

19. In order to avoid the intimidating work environment, STEELE began to use a number of her sick and personal days.

20. At the onset of the harassment, STEELE immediately sought out a company policy regarding the correction of sexual harassment and was unable to locate any such procedure; therefore, STEELE reasonably requested a solution from APL's Human Resources Department.

21. After STEELE formally complained to the Human Resources Department of APL, APL had actual knowledge of the harassment and had a duty to take all necessary steps to eliminate the harassment.

22. APL breached its duty to respond and remedy the situation when it took absolutely no action in response to STEELE's complaint, thus allowing the sexual advances and intimidating working environment to continue and then escalate.

23. MCEL RATH, an agent of APL, informed many of STEELE's male and female co-workers of the action STEELE had taken against him. Soon after STEELE's co-workers were verbally notified of the sexual harassment complaint, they acted out

against STEELE, harassing her and refusing to associate with her, adding to the hostile working environment for STEELE.

WHEREFORE, the Plaintiff, ERICA WILLIS STEELE, respectfully requests this Court enter judgment in her favor and against the Defendants, APL LOGISTICS, and STEPHEN MCELRATH, Individually and as agent for APL LOGISTICS, for damages in excess of \$75,000, fees and costs of suit, and any other relief this Court finds just and equitable.

**COUNT III: GENDER DISCRIMINATION
(APL LOGISTICS)**

1-23. Plaintiff STEELE repeats and re-alleges Paragraphs 1-23 as Paragraphs 1-23 of Count III as though fully stated herein.

24. According to the Illinois Human Rights Act, APL has a duty to provide a workplace which is free from discrimination with regards to hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, and privileges or conditions of employment on the basis of gender. 735 ILCS 5/1-102 (2004).

25. APL breached this duty by failing to prevent the harassment of and discrimination against STEELE on the basis of her gender, as described, *infra*.

26. At all times relevant to this Complaint, STEELE is a female who satisfactorily performed her duties as a Customer Service Representative at APL.

27. Despite adequately meeting all employment requirements, STEELE experienced unwelcome verbal and physical conduct of a sexual nature by her male supervisor because of her sex.

28. On information and belief, employment opportunities in the form of promotions or raises were conditional to STEELE on the basis of her sex, and were solely offered to her in exchange for her participation in acts of a sexual nature.

29. On information and belief, these employment opportunities were not offered on a conditional basis for STEELE's male co-workers, who received promotions or raises on some basis other than sex or gender.

WHEREFORE, the Plaintiff, ERICA WILLIS STEELE, respectfully requests this Court enter judgment in her favor and against the Defendants, APL LOGISTICS, and STEPHEN MCEL RATH, Individually and as agent for APL LOGISTICS, for damages in excess of \$75,000, fees and costs of suit, and any other relief this Court finds just and equitable.

Respectfully submitted,

SPESIA, AYERS & ARDAUGH

BY: MA. J.
Attorney for Plaintiff

Mark A. Lichtenwalter - #06280473
SPESIA, AYERS & ARDAUGH
1415 Black Road
Joliet, Illinois 60435
(815)728-4311

Exhibit “A”

(Rev. 9/17/04) IHRC003

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:

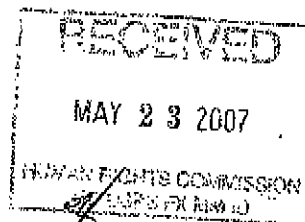
Erica L. Steele

Complainant(s),

and

APL LOGISTICS

Respondent(s),

CHARGE NO: 0006 CF 3078

EEOC NO: _____

ALS NO: _____

DEPT. OF HUMAN RIGHTS
SWITCHBOARD

MAY 23 2007

COMPLAINT OF CIVIL RIGHTS VIOLATION

- 1) My name is: Erica L. Steele
- 2) The name of the Respondent is: APL LOGISTICS
- 3) I filed a Charge of discrimination against the Respondent with the Illinois Department of Human Rights on 5-18-2006. [A copy of your verified Charge should be submitted with this Complaint.]
- 4) The Respondent violated the Human Rights Act in the following way: [State precisely how the Respondent violated the Human Rights Act. Give names, dates, places, etc. State which part of the Human Rights Act was violated (for example, there was discrimination based on race, religion, national origin, etc.). If you desire, you may attach the copy of your Charge, and incorporate it by reference. If you wish to make the Charge part of this Complaint, please check the following box and attach the copy of the Charge.] ☒

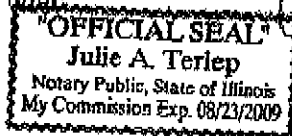
VERIFICATION

I do hereby swear or affirm that the facts set out in this Complaint of Civil Rights Violation are true.

Erica L. Steele
Complainant

Subscribed and sworn to before me on this 03 day of May, 2007.

Julie A. Terlep
Notary Public



SERVICE

I ask that the Commission serve a copy of the Complaint in this case on the Respondent by sending it to:

APL LOGISTICS

who is the

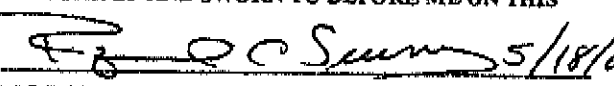
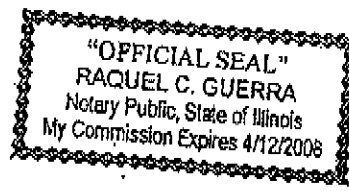

Manager/Human Resources
(Insert the official title of the person)

of/for Respondent. His/Her address is:

715 Theodore Court
Pennepole, IL 60549

[Please note:

YOU MUST TAKE A COPY OF YOUR COMPLAINT TO THE DEPARTMENT OF HUMAN RIGHTS AND GIVE IT TO THE DEPARTMENT ON THE SAME DAY YOU FILE YOUR COMPLAINT WITH THE COMMISSION. IN CHICAGO, THE DEPARTMENT IS LOCATED ON THE TENTH FLOOR OF THE THOMPSON CENTER.]

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form. (06W0517-11)		AGENCY <input checked="" type="checkbox"/> IDHR <input type="checkbox"/> EEOC	CHARGE NUMBER 2006CF3078
Illinois Department of Human Rights and EEOC			
NAME (indicate Mr. Ms. Mrs.) Ms. Erica Willis Steele		HOME TELEPHONE (include area code) (815) 372-2299	
STREET ADDRESS 14126 Faulkner Court		CITY, STATE AND ZIP CODE Plainfield, IL. 60544	DATE OF BIRTH
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME APL Logistics		NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE (815) 372-1963
STREET ADDRESS 715 Theodore Court		CITY, STATE AND ZIP CODE Romeoville, IL. 60549	COUNTY Will (197)
CAUSE OF DISCRIMINATION BASED ON: Race Retaliation		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) 05/15/06 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (if additional space is needed attach extra sheets)			
I. A. ISSUE/BASIS SEXUAL HARASSMENT, BEGINNING ON OR ABOUT JANUARY 2, 2006 AND CONTINUING THROUGH MAY 15, 2006. B. PRIMA FACIE ALLEGATIONS 1. My sex is female. 2. I have satisfactorily performed my duties as a Customer Service Representative, and have been employed with Respondent since January 24, 2005. (Continued)			
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME ON THIS  5/18/06 NOTARY SIGNATURE MONTH DATE-YEAR	
 NOTARY SEAL		 5-18-2006 SIGNATURE OF COMPLAINANT DATE I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief	

Charge Number: 2006CF3078

Erica Willis Steele

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3. Beginning on or about January 1, 2006 and continuing through May 15, 2006, I have experienced on or more incidents of sexual harassment in Respondent's workplace from Stephen McElrath (male), Respondent's Postal Supervisor. During this period of time, McElrath has engaged in numerous actions which I perceived to be sexually offensive and harassing, such as engaging in inappropriate touching activities; by attempting to hug me; by making verbal statements, such as I didn't know that you had such groceries back there; or, I'd leave my wife for you; you look good in those jeans, and other numerous comments which I believe to be offensive, derogatory and unprofessional.
4. I stated my objections to McElrath that I perceived his actions to be sexually offensive and that I wanted him to stop, but McElrath failed to refrain from his negative, sexually offensive, unprofessional behavior.
5. I then notified Mary Warner (female), Respondent's Human Resources Representative, about McElrath's activities towards me, and sought her assistance in eliminating McElrath's behavior. Warner responded by stating that she would talk to Respondent's general manager about it, but failed to take any other action to have Respondent's supervisor cease and desist from engaging in his negative activity.
6. Respondent's actions have created a work environment which has become egregious, hostile, and offensive, and has affected my ability to perform the essential duties of my job.

II. A. ISSUE/BASIS

HARASSMENT, BEGINNING ON OR ABOUT MAY 12, 2006 AND
CONTINUING THROUGH MAY 15, 2006, BECAUSE OF MY RACE, BLACK.

B. PRIMA FACIE ALLEGATIONS

1. My race is black.

(Continued)

Charge Number: 2006CF3078

Erica Willis Steele

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2. I have satisfactorily performed my duties as a Customer Service Representative, and have been employed with Respondent since January 24, 2005.
3. Beginning on or about May 12, 2006 and continuing through May 15, 2006 I was harassed by Jerry Vance (white), Respondent's Operations Manager, and Bill Banks (black), Respondent's General Manager. Vance and Banks would verbally harass me by making statements, such as you people need to get together and get that office together; prohibits me from eating at my desk; verbally admonish me about the way I perform my duties, and they have engaged in other actions which I have perceived to be negative, unprofessional, and harassing.
4. I believe that there have been other, similarly situated, non-black customer service representatives, such as Kathy Zabrowski and others, that have levels of work performance which is similar to mine, but they were not being harassed in Respondent's workplace as I have been.

III. A. ISSUE/BASIS

HARASSMENT, BEGINNING ON OR ABOUT MAY 12, 2006 AND CONTINUING THROUGH MAY 15, 2006, IN RETALIATION FOR HAVING COMPLAINED ABOUT SEXUAL HARASSMENT IN RESPONDENT'S WORKPLACE.

B. PRIMA FACIE ALLEGATIONS

1. On or about January 27, 2006, I engaged in a protected activity when I complained to Mary Warner, Respondent's Human Resources Representative, about being sexually harassed in Respondent's workplace by Stephen McElrath, a member of Respondent's management.
2. Beginning on or about May 12, 2006 and continuing through May 15, 2006 I was harassed by Jerry Vance, Respondent's Operations Manager, and Bill Banks, Respondent's General Manager. Vance and Banks would

(Continued)

Charge Number: 2006CF3078
Erica Willis Steele
Page 4

verbally harass me by making statements, such as you people need to get together and get that office together; prohibits me from eating at my desk; verbally admonish me about the way I perform my duties, and they have engaged in other actions which I have perceived to be negative, unprofessional, and harassing.

3. Respondent's actions have followed my protected activity within such a period of time as to raise an inference of retaliatory motivation.

IV. A. ISSUE/BASIS

**WRITTEN DISCIPLINARY WARNING, ON OR ABOUT MAY 12, 2006,
BECAUSE OF MY RACE, BLACK.**

B. PRIMA FACIE ALLEGATIONS

1. My race is black.
2. I have satisfactorily performed my duties as a Customer Service Representative, and have been employed with Respondent since January 24, 2005.
3. On or about May 12, 2006, I received a written disciplinary warning from Stephen B. McElrath (black), Respondent's Postal Supervisor. McElrath's documentation states that I was issued the written disciplinary warning allegedly for not following proper work procedures. I did not engage in any acts of willful misconduct which merited the issuance of any written disciplinary warning.
4. I believe that there have been other, similarly situated, non-black customer service representatives, such as Kathy Zabrowski and others, that have levels of work performance which is similar to mine, but they were not issued a written disciplinary action for their failure to follow proper work procedures.

V. A. ISSUE/BASIS

**WRITTEN DISCIPLINARY WARNING, ON OR ABOUT MAY 12, 2006, IN
RETALIATION FOR HAVING COMPLAINED ABOUT SEXUAL
HARASSMENT IN RESPONDENT'S WORKPLACE.**

(Continued)

Charge Number: 2006CF3078
Erica Willis Steele
Page 5

B. PRIMA FACIE ALLEGATIONS

1. On or about January 27, 2006, I engaged in a protected activity when I complained to Mary Warner, Respondent's Human Resources Representative, about being sexually harassed in Respondent's workplace by Stephen McElrath, a member of Respondent's management.
2. On or about May 12, 2006, I received a written disciplinary warning from Stephen B. McElrath, Respondent's Postal Supervisor. McElrath's documentation states that I was issued the written disciplinary warning allegedly for not following proper work procedures. I did not engage in any acts of willful misconduct which merited the issuance of any written disciplinary warning.
3. Respondent's actions have followed my protected activity within such a period of time as to raise an inference of retaliatory motivation.

VI. A. ISSUE/BASIS

THREE (3) DAY SUSPENSION, ON OR ABOUT MAY 15, 2006, BECAUSE OF MY RACE, BLACK.

B. PRIMA FACIE ALLEGATIONS

1. My race is black.
2. I have satisfactorily performed my duties as a Customer Service Representative, and have been employed with Respondent since January 24, 2005.
3. On or about May 15, 2005, I was issued a three (3) day suspension from Stephen McElrath (black), Respondent's Postal Supervisor. McElrath's written document states that I was issued the suspension because I allegedly falsified company documents. I did not engage in any acts of willful misconduct which merited the issuance of any three (3) day suspension.

(Continued)

Charge Number: 2006CF 3078
Erica Willis Steele
Page 6

4. I believe that there have been other, similarly situated, non-black customer service representatives, such as Kathy Zabrowski and others, that have levels of work performance which is similar to mine, that have either been accused of, or have engaged in acts of falsifying Respondent's documents, but they were not issued a written disciplinary notice issuing them a three (3) day suspension for falsification of company documents.


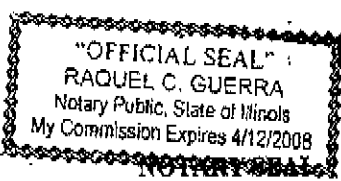
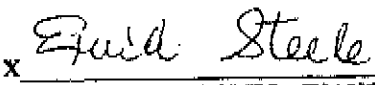
VII. A. ISSUE/BASIS

THREE (3) DAY SUSPENSION, ON OR ABOUT MAY 15, 2006, IN RETALIATION FOR HAVING COMPLAINED ABOUT SEXUAL HARASSMENT IN RESPONDENT'S WORKPLACE.

B. PRIMA FACIE ALLEGATIONS

1. On or about January 27, 2006, I engaged in a protected activity when I complained to Mary Warner, Respondent's Human Resources Representative, about being sexually harassed in Respondent's workplace by Stephen McElrath, a member of Respondent's management.
2. On or about May 15, 2005, I was issued a three (3) day suspension from Stephen McElrath, Respondent's Postal Supervisor. McElrath's written document states that I was issued the suspension because I allegedly falsified company documents. I did not engage in any acts of willful misconduct which merited the issuance of any three (3) day suspension.
3. Respondent's actions have followed my protected activity within such a period of time as to raise an inference of retaliatory motivation.

ACF/IJT/RCC

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; See Privacy act statement before completing this form. (06W0517-11A)		AGENCY <input checked="" type="checkbox"/> IDHR <input type="checkbox"/> EEOC	CHARGE NUMBER 2006CF3078
Illinois Department of Human Rights and EEOC			
NAME (indicate Mr., Ms., Mrs.) Ms. Erica Willis Steele		HOME TELEPHONE (include area code) (815) 372-2299	
STREET ADDRESS 14126 Faulkner Court		CITY, STATE AND ZIP CODE Plainfield, IL. 60544	DATE OF BIRTH
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME APL Logistics		NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE (815) 372-1963
STREET ADDRESS 715 Theodore Court		CITY, STATE AND ZIP CODE Romeoville, IL. 60549	COUNTY Will (197)
CAUSE OF DISCRIMINATION BASED ON: Retaliation		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) 05/22/06 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (if additional space is needed attach extra sheets)			
AMENDMENT I			
This charge is being amended to add Issue VIII.			
VIII. A. ISSUE/BASIS			
SUSPENSION – MAY 22, 2006, IN RETALIATION FOR HAVING COMPLAINED ABOUT SEXUAL HARASSMENT IN RESPONDENT'S WORKPLACE			
B. PRIMA FACIE ALLEGATIONS			
1. On or about January 27, 2006, I engaged in a protected activity when I complained to Mary Warner, Respondent's Human Resources Representative, about being sexually harassed in Respondent's workplace by Stephen McElrath, a member of Respondent's management.			
(Continued)			
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME ON THIS  5/23/06 NOTARY SIGNATURE MONTH DATE-YEAR	
		x  5-23-06 SIGNATURE OF COMPLAINANT DATE I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief	

Charge Number: 2006CF3078

Erica Willis Steele

Page 2

2. On May 18, 2006, I again engaged in a protected activity when I filed this charge of discrimination opposing that which I reasonably and in good faith believed to be sexual harassment.
3. On May 19, 2006, when I reported to work, within the hour Stephen McElrath, Respondent's Postal Supervisor, sent me home. Before I left Respondent's facility I provided Mary Warner, Respondent's Human Resources Representative, a copy of my discrimination charge.
4. On May 22, 2006, I returned to work and was immediately informed by McElrath, that I was suspended pending termination for being insubordinate, not answering any work related questions asked and calling him a liar. These accusations are untrue and are in retaliation for filing my discrimination charge.
5. The adverse action followed my protected activity within such a period of time as to raise an inference of retaliatory motivation.

MEE/RCG

Exhibit “B”

EEOC Form 161-B (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Erica Steele
14126 Faulkner Court
Plainfield, Illinois 60544

From: Chicago District Office
500 West Madison St
Suite 2800
Chicago, IL 60661

CERTIFIED MAIL #: 7003 3110 0004 0947 4023



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

21B-2006-01800

Armernola P. Smith,
State & Local Coordinator

(312) 886-5973

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

John P. Rowe,
District Director

Enclosures(s)

cc: APL LOGISTICS
716 Theodore Court
Romeoville, IL 60548

JUL - 9 2007

RECEIVED
JUL 6 2007
KIMBERLY ROSS
ASSOCIATES, P.C.

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

APL LOGISTICS, and STEPHEN
MCELRATH, Individually and as Agent
and Servant of APL LOGISTICS

Defendant.

07 L

No.

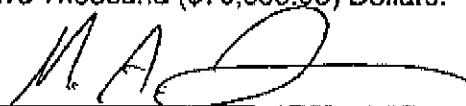
673

07 OCT -4 PM 3:48

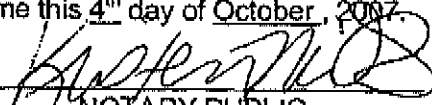
FILED

AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222(b)

MARK A. LICHTENWALTER, being first duly sworn on oath, and pursuant to
Supreme Court Rule 222(b), deposes and says that the total money damages sought in
the above captioned cause exceeds Seventy-Five Thousand (\$75,000.00) Dollars.


MARK A. LICHTENWALTER

SUBSCRIBED AND SWORN to before
me this 4th day of October, 2007.


NOTARY PUBLIC



Mark A. Lichtenwalter - 06280473
SPESIA, AYERS & ARDAUGH
1415 Black Road
Joliet, IL 60435
(815) 726-4311

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

APL LOGISTICS, and STEPHEN
MCELRATH, Individually and as Agent
and Servant of APL LOGISTICS

Defendant.

No.

07 L 673

JURY DEMAND
TWELVE MAN JURY

The undersigned demands a jury trial.


MARK A. LICHTENWALTER

Mark A. Lichtenwalter, #6280473
SPESIA, AYERS & ARDAUGH
1415 Black Road
Joliet, IL 60435
(815) 726-4311

FILED
07 OCT -4 PM 3:48
CLERK OF COURT
WILL COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

No. 07 L 673

APL LOGISTICS, and STEPHEN
MCEL RATH, Individually and as Agent
and Servant of APL LOGISTICS

Defendant.

SUMMONS

To each Defendant: *APL Logistics, "Registered Agent" ILLINOIS CORPORATION SERVICE C,*
801 Adlai Stevenson Drive, Springfield, IL 62703

YOU ARE HEREBY SUMMONED and required to file an answer in this case, or otherwise
file your appearance in the Office of the Clerk of this Court, Will County Courthouse, 14 W.
Jefferson Street, Joliet, Illinois, within 30 days after service of this summons, not counting the date
of service. **IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE**
TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for
service, with endorsement of service and fees, if any, immediately after service. If service cannot
be made, summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

WITNESS OCT 05 2007, 2007

PAMELA J McGUIRE

(Clerk of the Circuit Court)

(Seal of Court)

By: _____
(Deputy)

Mark A. Lichtenwalter # 6280473
SPESIA, AYERS & ARDAUGH
Attorneys for Plaintiff
1415 Black Rd.
Joliet, IL 60435
815/726-4311

OCT-22-2007 16:25 From:

T 7148627010

P.2/5

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

APL LOGISTICS, and STEPHEN
MCELRATH, Individually and as Agent
and Servant of APL LOGISTICS

Defendant.

No. 07 L 673

FILED
07 OCT 22 PM 3:57
CLERK CIRCUIT COURT
WILL COUNTY, ILLINOIS

NOTICE OF FILING

TO: J. Christopher Hesse, Angela Scott, 1650 Des Plaines Rd, Suite 200, Saint
Louis, MO 63131, *Facsimile 314-862-7010*

PLEASE TAKE NOTICE THAT ON THE 22nd day of October, 2007 we filed with
the Will County Circuit Clerk, Joliet, Illinois, *Proof of Service of Summons*, a copy of
which is attached hereto.

SPESIA, AYERS & ARDAUGH

By: M. A. Lichtenwalter

Attorneys for Plaintiff

Mark A. Lichtenwalter #6280473
SPESIA, AYERS & ARDAUGH
1415 Black Road
Joliet, Illinois 60435
(815)726-4311

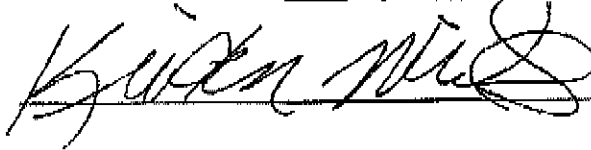
OCT-22-2007 16:25 From:

Tr 148627010

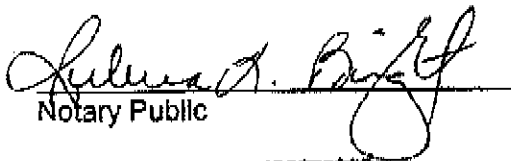
P.3/5

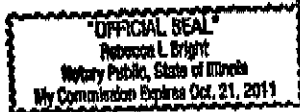
STATE OF ILLINOIS)
)
COUNTY OF WILL) SS

The undersigned, being first duly sworn on oath, deposes and says that she served a copy of the above Notice and attached Proof of Service upon *J. Christopher Hesse and Angela Scott* via facsimile as shown above on the 22nd day of October, 2007 before the hour of 5:00 P.M.



Subscribed and sworn to before
me this 22nd day of October 2007.


Notary Public



OCT-22-2007 16:25 From:

T 148627010

P.4/5

**SANGAMON COUNTY SHERIFFS OFFICE**
"Keeping the Peace Since 1821"Administration - (217) 753-6855 -
Civil Process/Records - (217) 753-6846NEIL M. WILLIAMSON
#1 Sheriff's Plaza
Springfield, Illinois 62701Investigations - (217) 753-6840
Corrections - (217) 753-6886I, Donald Schuh #4267 certify that I served this summons as follows:

RECEIVED

OCT 22 2007

☒ Corporation service, by leaving a copy of the summons and complaint
with an agent or officer of the corporation listed in the summons.

Other: _____

Case Number 074673Name of defendant APL Logistics
C/O ILL, Corp. inc.Name of other person _____
Summons left with Courtney MorganSex (Female) Race: White Approx. age 20'sDate of Service 10-16-07 Time _____

Address at which paper was served:

801 Stevenson Dr.Springfield, ILService fees : \$30.00By, Neil Williamson, Sheriff of Sangamon County
Donald Schuh, Civil Process Officer

IN PARTNERSHIP WITH THE COMMUNITY

OCT-22-2007 16:25 From:

Tr 48627010

P.5/5

4

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

No. 07 L 673

APL LOGISTICS, and STEPHEN
MCEL RATH, individually and as Agent
and Servant of APL LOGISTICS

Defendant.

RECEIVED

OCT 10 2007

SHERIFF'S OFFICE
RECORD SECTION**SUMMONS**

To each Defendant: ~~APL Logistics, Registered Agent, ILLINOIS CORPORATION SERVICE CO.
801 Adair Stevenson Drive, Springfield, IL 62703~~

YOU ARE HEREBY SUMMONED and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court, Will County Courthouse, 14 W. Jefferson Street, Joliet, Illinois, within 30 days after service of this summons, not counting the date of service. **IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.**

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

WITNESS 10/5, 2007

(Clerk of the Circuit Court)

(Seal of Court)

By:

(Deputy)

Mark A. Lichtenwalter # 6280473
SPESIA, AYERS & ARDAUGH
Attorneys for Plaintiff
1415 Black Rd.
Joliet, IL 60435
815/726-4311

3000
359792

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

No. 07 L 673

APL LOGISTICS, and STEPHEN
MCEL RATH, Individually and as Agent
and Servant of APL LOGISTICS

Defendant.

SUMMONS

To each Defendant: *APL Logistics, "Registered Agent" ILLINOIS CORPORATION SERVICE C,
801 Adlai Stevenson Drive, Springfield, IL 62703*

YOU ARE HEREBY SUMMONED and required to file an answer in this case, or otherwise
file your appearance in the Office of the Clerk of this Court, Will County Courthouse, 14 W.
Jefferson Street, Joliet, Illinois, within 30 days after service of this summons, not counting the date
of service. **IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE
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be made, summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

WITNESS OCT 05 2007, 2007

PAMELA J McGUIRE

(Clerk of the Circuit Court)

(Seal of Court)

By: _____
(Deputy)

Mark A. Lichtenwalter # 6280473
SPESIA, AYERS & ARDAUGH
Attorneys for Plaintiff
1415 Black Rd.
Joliet, IL 60435
815/726-4311

SPESIA, AYERS & ARDAUGH Fax: 815-726-6828

Oct 24 2007 14:50 P.02

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

No. 07 L 673

APL LOGISTICS, and STEPHEN
MCEL RATH, Individually and as Agent
and Servant of APL LOGISTICS

Defendant.

NOTICE OF FILING

TO: J. Christopher Hesse, Angela Scott, 1650 Des Plaines Rd, Suite 200, Saint
Louis, MO 63131, Facsimile 314-862-7010

PLEASE TAKE NOTICE THAT ON THE 24th of October, 2007 we filed with the
Will County Circuit Clerk, Joliet, Illinois, **Proof of Service of Summons**, a copy of
which is attached hereto.

SPESIA, AYERS & ARDAUGH

By: 

Attorneys for Plaintiff

Mark A. Lichtenwalter #6280473
SPESIA, AYERS & ARDAUGH
1415 Black Road
Joliet, Illinois 60435
(815)726-4311

SPEZIA, AYERS & ARDA and Fax: 815-726-6828

Oct 24 . ? 14:50 P.03

STATE OF ILLINOIS)

COUNTY OF WILL)

SS

The undersigned, being first duly sworn on oath, deposes and says that she served a copy of the above Notice and attached Proof of Service upon *J. Christopher Hesse and Angela Scott* via *facsimile* as shown above on the 24th day of October, 2007 before the hour of 5:00 P.M.



Subscribed and sworn to before
me this 24th day of October 2007.




Notary Public

SPESIA, AYERS & ARDAUGH Fax: 815-726-6828

Oct 24 . 7 14:50 P.04

CASE NUMBER. 9IL 2007-L -000673 . 001

WILL COUNTY SHERIFF'S OFFICE

ERICA WILLIS STEELE

-VS-

STEVEN MCELRATH

===== ATTORNEY =====

MARK A. LICHTENWALTER

1415 BLACK RD.

JOLIET, IL 60435

PAID

(815) 726-4311

===== DESCRIPTION =====

SUMMONS & COMPLAINT

ISSUED: 10/17/07

EXPIRES: 11/05/07

FEES: 40.00

EVC/DEP:

DATE

TIME

BADGE #

10/18/07

1352

7194

===== PERSON TO BE SERVED =====

STEVEN MCELRATH
1512 LANTERN LANE
JOLIET, IL 60433

NOTES:

I CERTIFY THAT I HAVE SERVED THE ATTACHED PROCESS ON THE DEFENDANT AS FOLLOWS:

- (A) ☐ PERSONAL SERVICE: BY LEAVING A COPY OF THE SUMM/COMP CITATION RULE ORDER SUBPOENA NOTICE JUDGEMENT SUMMONS/PETITION FOR ORDER OF PROTECTION ORDER OF PROTECTION. CIVIL NO-CONTACT ORDER.
- (B) ☒ SUBSTITUTE SERVICE: BY LEAVING A COPY OF THE SUMM/COMP CITATION NOTICE JUDGEMENT ORDER OF POSSESSION AT THE USUAL PLACE OF ABODE WITH SOME PERSON OF THE FAMILY 13 YEARS OR OLDER AND INFORMING SAID PERSON OF THE CONTENTS. ALSO, A COPY OF THE WRIT WAS MAILED TO THE DEFENDANT AT HIS/HER USUAL PLACE OF ABODE ON 10-22-07 (date)
- (C) ☐ SERVICE ON: CORPORATION COMPANY BUSINESS by leaving a COPY OF THE SUMM/COMP CITATION RULE ORDER NOTICE JUDGEMENT SUBPOENA WITH THE REGISTERED AGENT, AUTHORIZED PERSON OR PARTNER OF THE DEFENDANT.
- (D) ☐ OTHER SERVICE: CERTIFIED MAIL POSTING
- (E) ☐ THE NAMED DEFENDANT WAS NOT SERVED:
☐ MOVED ☐ NOT LISTED ☐ RETURNED BY ATTY. ☐ EXPIRED
☐ NO CONTACT ☐ NO SUCH ADDRESS ☐ DECEASED ☐ OTHER REASON

PERSON TO BE SERVED:

Steven McElrath

SERVING ADDRESS:

1512 Lantern Ave Joliet IL

WRIT SERVED ON:

Linda McElrath

RELATIONSHIP:

Wife

SEX F (M/F) RACE W DOB 4/2THIS 18th DAY OF October 2007 TIME 1352 HOURS

PAUL J. KAUPAS, SHERIFF, BY

[Signature]

DEPUTY #

1194

REMARKS:

TMC72901008

SPEZIA, AYERS & ARDAUGH Fax: 815-726-6828

Oct 24 . 7 14:50

P.05

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

No. 07 L 673

APL LOGISTICS, and STEPHEN
MCEL RATH, Individually and as Agent
and Servant of APL LOGISTICS

Defendant.

SUMMONS

To each Defendant: STEVEN MCEL RATH, 1512 Lantern Lane, Joliet, IL 60433-2911

YOU ARE HEREBY SUMMONED and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court, Will County Courthouse, 14 W. Jefferson Street, Joliet, Illinois, within 30 days after service of this summons, not counting the date of service. **IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.**

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

WITNESS 10/5, 2007

(Clerk of the Circuit Court)

(Seal of Court)

By:

(Deputy)

Mark A. Lichtenwalter # 6280473
SPEZIA, AYERS & ARDAUGH
Attorneys for Plaintiff
1415 Black Rd.
Joliet, IL 60435
815/726-4311

10-11-07 15:01:00
10-11-07 15:01:00

SPESIA, AYERS & ARDAUGH Fax: 815-726-6828

Oct 29 07 13:47 P.01

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

No. 07 L 673

APL LOGISTICS, and STEPHEN
MCEL RATH, Individually and as Agent
and Servant of APL LOGISTICS


Defendant.

NOTICE OF FILING

TO: J. Christopher Hesse, Angela Scott, 1650 Des Plaines Rd, Suite 200, Saint
Louis, MO 63131, Facsimile 314-862-7010

PLEASE TAKE NOTICE THAT ON THE 29th of October, 2007 we filed with
the Will County Circuit Clerk, Joliet, Illinois, **Proof of Service of Summons**, a copy of
which is attached hereto.

SPESIA, AYERS & ARDAUGH

By: 
Attorneys for Plaintiff

Mark A. Lichtenwalter #6280473
SPESIA, AYERS & ARDAUGH
1415 Black Road
Joliet, Illinois 60435
(815)726-4311

SPEZIA, AYERS & ARDRECH Fax: 815-726-6828

Oct 29 J7 13:47 P.02

STATE OF ILLINOIS)
)
COUNTY OF WILL) SS

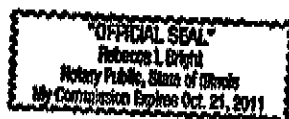
The undersigned, being first duly sworn on oath, deposes and says that she served a copy of the above Notice and attached Proof of Service upon *J. Christopher Hesse and Angela Scott* via facsimile as shown above on the 29th day of October, 2007 before the hour of 5:00 P.M.



Subscribed and sworn to before
me this 29th day of October 2007.



Notary Public



SPESIA, AYERS & ARDHOFF Fax: 815-726-6828

Oct 29 J7 13:47 P.03

TYPE LAW SHERIFF'S OFFICE OF COOK COUNTY, ILLINOIS

SHERIFF'S NUMBER 054377-0010 CASE NUMBER 07L673

DEPUTY: STROM 3696-

FILED DT 10-05-2007 RECEIVED DT 10-17-2007 DIE DT 10-31-2007 MULTIPLE SERVICE 1

DEFENDANT
 APL LOGISTICS WAREHOUSE MANAGEMENT SERVICES, INC.
 33 N LA SALLE ST
 CHICAGO IL 60602

ATTORNEY
 MARK A. LICHTENWALTER/SPESIA,
 1415 BLACK RD.
 JOLIET IL 60431
 815 726-4311

FOREIGN

PLAINTIFF STEELE, ERICA WILLIS

SERVICE INFORMATION: CF C/O PRENTICE HALL CORPORATION, N/A

(A) I CERTIFY THAT I SERVED THIS SUMMONS ON THE DEFENDANT AS FOLLOWS:

-1 PERSONAL SERVICE: BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT WITH THE NAMED DEFENDANT PERSONALLY.
-2 SUBSTITUTE SERVICE: BY LEAVING A COPY OF THE SUMMONS AND A COPY OF THE COMPLAINT AT THE DEFENDANT'S USUAL PLACE OF ABODE WITH SOME PERSON OF THE FAMILY OR A PERSON RESIDING THERE, OF THE AGE OF 13 YEARS OR UPWARDS, AND INFORMING THAT PERSON OF THE CONTENTS THEREOF. ALSO, A COPY OF THE SUMMONS WAS MAILED ON THE DAY OF 20, IN A SEALED ENVELOPE WITH POSTAGE FULLY PREPAID, ADDRESSED TO THE DEFENDANT AT HIS OR HER USUAL PLACE OF ABODE. SAID PARTY REFUSED NAME
-3 SERVICE ON: CORPORATION X COMPANY X BUSINESS X PARTNERSHIP X BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT (OR INTERROGATORIES) WITH THE REGISTERED AGENT, AUTHORIZED PERSON OR PARTNER OF THE DEFENDANT.
-4 CERTIFIED MAIL

(B) THOMAS J. DART, SHERIFF, BY: [Signature]

DEPUTY 3696-

- 1 SEX M/F RACE B AGE 42
- 2 NAME OF DEFENDANT APL LOGISTICS WAREHOUSE MANAGEMENT SERVICES, INC.
 WRIT SERVED ON MIA WINTER SMITH AKO
- THIS 22 DAY OF OCT, 2007 TIME 9:00 A.M./P.M.

ADDITIONAL REMARKS

THE NAMED DEFENDANT WAS NOT SERVED.

TYPE OF BLDG dfc

ATTEMPTED SERVICES

NEIGHBORS NAME

DATE TIME A.M./P.M.

ADDRESS

REASON NOT SERVED:

- | | |
|---------------------------|------------------------------|
| <u>01</u> MOVED | <u>07</u> EMPLOYER REFUSAL |
| <u>02</u> NO CONTACT | <u>08</u> RETURNED BY ATTY |
| <u>03</u> EMPTY LOT | <u>09</u> DECEASED |
| <u>04</u> NOT LISTED | <u>10</u> BLDG DEMOLISHED |
| <u>05</u> WRONG ADDRESS | <u>11</u> NO REGISTERED AGT. |
| <u>06</u> NO SUCH ADDRESS | <u>12</u> OTHER REASONS |
| | <u>13</u> OUT OF COUNTY |

FEE	.00	MILEAGE	.00	TOTAL	.00
-----	-----	---------	-----	-------	-----

SG20

SPEZIA, AYERS & ARDAUGH Fax: 815-726-6828

Oct 29 07 13:47 P.04

FOREIGN

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

No. 07 L 673

APL LOGISTICS, and STEPHEN
MCELRATH, Individually and as Agent
and Servant of APL LOGISTICS

Defendant.

SUMMONS

To each Defendant: APL Logistics Warehouse Management Services, Inc., Registered Agent*
PRENTICE HALL CORPORATION, 33 North LaSalle Street, Chicago, IL 606902

YOU ARE HEREBY SUMMONED and required to file an answer in this case, or otherwise
file your appearance in the Office of the Clerk of this Court, Will County Courthouse, 14 W.
Jefferson Street, Joliet, Illinois, within 30 days after service of this summons, not counting the date
of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE
TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for
service, with endorsement of service and fees, if any, immediately after service. If service cannot
be made, summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

WITNESS 10/5, 2007

(Clerk of the Circuit Court)

(Seal of Court)

By

(Deputy)

Mark A. Lichtenwalter # 6280473
SPEZIA, AYERS & ARDAUGH
Attorneys for Plaintiff
1415 Black Rd.
Joliet, IL 60435
815/726-4311

000023-1.6.1 10/17/07 09:18
REF CASE # 07L 000673
1 FOREIGN WRIT
1 RELEASE
REF SHERIFF # 054377
COST FEE
CASH TOTAL

CHECK 1
REGISTERED AGENT*

30.00
10.00

50.00 #
50.00 TL
50.00

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ERICA WILLIS STEELE,

Plaintiff,

and

APL LOGISTICS,

and

STEPHEN MCELRATH

Defendants.

DEFENDANT'S NOTICE TO PLAINTIFF OF FILING NOTICE OF REMOVAL

TO: Mr. Mark A. Lichtenwalter
Spesia, Ayers & Ardaugh
1415 Black Road
Joliet, IL 60435

PLEASE TAKE NOTICE that Defendants APL Logistics Warehouse Management Services, Inc. ("APL") (incorrectly named in this matter as APL Logistics) and Stephen McElrath, have filed this day in the United States District Court for the Northern District of Illinois a Notice of Removal, a true and accurate copy of which is attached hereto, pursuant to the provisions of 28 U.S.C. § 1446(b).

Dated: November 14, 2007

Respectfully submitted,

BOBROFF, HESSE, LINDMARK
& MARTONE, P.C.

By: 

Andrew J. Martone, #06203524
1650 Des Peres Road, Suite 200
St. Louis, MO 63131
Tel: (314) 862-0300
Fax: (314) 862-7010
E-mail: anjdmartone@bobroffhesse.com

Attorneys for Defendants
APL Logistics Warehouse Management Services, Inc.
and Stephen McElrath

CERTIFICATE OF SERVICE

A copy of the foregoing was mailed, postage pre-paid, via U.S. Mail, this 14th day of November, 2007, to Mr. Mark A. Lichtenwalter, Spesia, Ayers & Ardaugh, 1415 Black Road, Joliet, IL 60435.



CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS

Erica Willis Steele

(b) County of Residence of First Listed Plaintiff Will County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Mr. Mark A. Lichtenwalter
Spesia, Ayers & Ardaugh, 1415 Black Road, Joliet, IL 60435
815-726-4311

DEFENDANTS

APL Logistics Warehouse Management Services, Inc.
and
Stephen McElrath

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Andrew J. Martone
Bobroff, Hesse, Lindmark & Martone, P.C., 1650 Des Peres Road,
Suite 200, St. Louis, MO 63131 - Tel: 314-862-7010

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excl. vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Inj.	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Security/Commodity/Exch. <input type="checkbox"/> 875 Customer Challenges <input type="checkbox"/> 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 ADA—Employment <input type="checkbox"/> 446 ADA—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

42 U.S.C. § 2000e-2, et seq. - Sexual Harassment (Quid Pro Quo & Hostile Environment) and Gender Discrimination

VII. PREVIOUS BANKRUPTCY MATTERS (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)

VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

IX. This case

☒ is not a refiling of a previously dismissed action.

☐ is a refiling of case number

, previously dismissed by Judge

DATE

11/14/07

SIGNATURE OF ATTORNEY OF RECORD

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERICA WILLIS STEELE,

Plaintiff,

vs.

APL LOGISTICS, and STEPHEN
MCELRATH, Individually and as Agent
and Servant of APL LOGISTICS

Defendant.

No.

07 L 673

JURY DEMAND
TWELVE MAN JURY

The undersigned demands a jury trial.


MARK A. LICHTENWALTER

Mark A. Lichtenwalter, #6280473
SPESIA, AYERS & ARDAUGH
1415 Black Road
Joliet, IL 60435
(815) 726-4311

FILED
07 OCT -4 PM 3:48
CLERK OF COURT
WILL COUNTY, ILLINOIS